



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,608	01/09/2002	Seiji Yamaguchi	15190	7027
7590 08/24/2009 Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			EXAMINER GOTTSCHEK, MARTIN A	
			ART UNIT 3696	PAPER NUMBER
			MAIL DATE 08/24/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/042,608

**Applicant(s)**

YAMAGUCHI ET AL.

**Examiner**

MARTIN A. GOTTSCHALK

**Art Unit**

3696

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 0502/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 21,22,25 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,23,24 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Notice to Applicant***

1. Claims 1-27 are pending. Claims 1-20, 23, 24, and 27 have been examined. Claim 1 is amended. Claims 21, 22, 25, and 26 are withdrawn.

### ***Response to Arguments***

2. Applicant's arguments filed 01/29/2009 have been fully considered but they are not persuasive. Applicant notes that Joao generates a diagnosis accompanied by "information regarding providers and/or facilities for obtaining treatment..." for the diagnosed condition (Joao col 26, lns 11-38). Applicant asserts however that this does not teach certain features of exemplary claim 1. In response, the Examiner respectfully disagrees.

First, Joao expressly teaches storage of medical practice and attribute information associated with a plurality of medical institutions. See Joao col 17, lns 31-61, where the database stores information on, for example, "treatment information," "treatment centers," "healthcare institutions," "treatment costs," and "treatment mistakes." The Examiner considers these to be types of medical practice and attribute information associated with medical institutions.

Note further that the system may receive search criteria in accordance with this stored information. See for example Joao col 25, lns 25-42 where patient symptom information is entered and the system, part of which is constituted by the database, is

Art Unit: 3696

queried to generate a report including diagnostic and treatment information. The "report can be accompanied by... information regarding...facilities for obtaining treatment....,"

Joao: col 26, lns 12-16. Thus the system has searched the database based on symptom criteria and delivered a report which recommends treatments and includes information regarding facilities known to provide the treatments associated with the diagnosis. The Examiner considers this to meet the features recited in the exemplary claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-20, 23, 24, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Joao (US Pat# 6,283,761, hereinafter Joao).

**As per claims 1, 9, 18, and 20**, Joao discloses a medical practice information storage and searching system (Joao: [0009]) comprising:

a medical practice information storage unit for receiving attribute information and medical practice information of a plurality of medical institutions from the plurality

Art Unit: 3696

of medical institutions through a communication line (Joao: col 17, lns 31-61; Figs 1 and 2, item 10H; col 19, lns 40-46; col 24, lns 49-62);

a searching criteria receiving unit for receiving, through the communication line, searching criteria in accordance with which the attribute and medical practice information stored in the medical practice information storage unit is searched for (Joao: col 24, ln 63 to col 25, ln 40; Figs 7A and 7B);

and

an information delivery unit for searching for the attribute and medical practice information in the medical practice information storage unit in accordance with the searching criteria received by the searching criteria receiving unit, and for delivering the searched attribute information and medical practice information through the communication line (Joao: col 25, ln 40 to col 26, ln 40; Figs 7A and 7B).

**As per claim 2**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

a medical institution information storage unit for receiving medical institution information, identifying a particular medical institution from among the plurality of

medical institutions, from the plurality of medical institutions through the communication lines (Joao: col 17, Ins 31-61; Figs 1 and 2, item 10H; col 19, Ins 40-46; col 24, Ins 49-62);

a medical institution searching criteria receiving unit for receiving, through the communication line, searching criteria in accordance with which the medical institution information stored in the medical institution information storage unit is searched for (Joao: col 24, ln 63 to col 25, ln 40; Figs 7A and 7B);

and

a medical institution information delivery unit for searching for the medical institution information in the medical institution information storage unit in accordance with the searching criteria received by the medical institution searching criteria receiving unit, and for delivering the searched medical institution information through the communication line (Joao: col 25, ln 40 to col 26, ln 40; Figs 7A and 7B);

**Note:** Several of the following claims recite the same three general components of claims 1 and 2, namely

- i. an information storage unit
- ii. a searching criteria receiving unit, and

iii. an information delivery unit associated with a specific feature. In the following rejections of the claims, rather than repeating the entire language of the claim, the specific feature will be listed, and relevant passages will be provided. Note further that the reference discloses a computerized system, thus it should be presumed that the information concerning the specific feature is stored, searchable, and deliverable by the features taught by the reference mentioned for claims 1 and 2 above.

**As per claim 3**, Joao discloses the medical practice information storage and searching system according to claim 2, further comprising:

geographic information(Joao: col 17, Ins 13-24, Fig 2, item 10H).

**As per claim 4**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

request acceptance information (Joao: col 25, Ins 10-40; Fig 7A).

**As per claim 5**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

personal information (Joao: col 16, Ins 42-65).

**As per claim 6**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

transport information (Joao: col 24, Ins 49-62; Fig 1).

**As per claim 7**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

food-service company information (Joao: col 19, Ins 40-53; col 24, Ins 44-48; col 26, Ins 20-40; Figs 7A and 7B).

**As per claim 8**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

life insurance information (Joao: col 16, Ins 33-65).

**As per claim 10 and 12**, Joao discloses a medical practice information storage and searching system according to claim 9, wherein the medical service record information storage block stores



Art Unit: 3696

patient count information (Joao: col 17, ln 62 to col 18, ln 20; col 31, ln 65 to col 32, ln 28).

**As per claim 11**, Joao discloses a medical practice information storage and searching system according to claim 9, wherein the medical service record information storage block stores

operation count information (Joao: col 17, lns 25-61; col 30, ln 48 to col 31, ln 10).

**As per claim 13**, Joao discloses a medical practice information storage and searching system according to claim 9, wherein the medical service record information storage block stores

complete cure rate information (Joao: col 17, lns 25-61).

**As per claim 14**, Joao discloses a medical practice information storage and searching system according to claim 1, wherein the medical practice information storage unit comprises

study result information (Joao: col 17, lns 25-61).

**As per claim 15 and 16**, Joao discloses a medical practice information storage and searching system according to claim 1, wherein the medical practice information storage unit comprises

medical staff information (Joao: col 17, Ins 13-24).

**As per claim 17**, Joao discloses a medical practice information storage and searching system according to claim 15, wherein the medical staff information storage block stores

physicians' career information (Joao: col 30, Ins 63-67).

**As per claim 18**, it is rejected for the same reasons provided above for claim 1.

**As per claim 19**, Joao discloses a medical practice information storage and searching system according to claim 1, wherein the medical practice information storage unit comprises

medicine information (Joao: col 17, Ins 25-61).

Art Unit: 3696

**As per claims 23 and 24**, Joao discloses the medical practice information storage and searching system as set forth in claim 1, wherein the attribute information of the plurality of medical institutions includes

local area information and type information (Joao: col 17, Ins 13-61--24).

**As per claim 27**, Joao discloses the medical practice information storage and searching system as set forth in claim 1, further comprising:

a plurality of local area information servers for handling local-area information, connected to a communication network (Joao: col 14, ln 49 to col 15, ln 53);

and

a general information management server that exchanges information with the plurality of local-area information servers to manage information (Joao: col 13, ln 29 to 38);

wherein the plurality of local-area information servers are each connected to homes (Joao: col 14, ln 49-53) that subscribe to a public communication provider

through a public communication line such as a cable (Joao: col 40, Ins 60-67) said local-area information servers connected as well to a local community medical institution group that comprises at least a general hospital or other community healthcare services provider (Joao: col 13, Ins 52-57), and pharmaceutical provider (Joao: col 19, In 40-45) in order to exchange information therewith via a dedicated line;

and

wherein the general information management server exchanges information with the plurality of local-area information servers via the public communication line (Joao: col 15, In 25-47), exchanges information with a plurality of transports via a dedicated line (Joao: col 24, Ins 49-62, Fig 1);

and

opens a homepage on the communication network to make available a variety of medical information relating to the local community medical institution group (Joao: col 15, Ins 18-25 and 59-65; col 20, Ins 28-33) and transport information

derived from the plurality of transports obtained by the local-area information servers (Joao: col 24, lns 49-62; Fig 1).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN A. GOTTSCHALK whose telephone number is (571)272-7030. The examiner can normally be reached on Mon - Fri 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A. G./  
Examiner, Art Unit 3696

/Ella Colbert/  
Primary Examiner, Art Unit 3696